



Board of Adjustment Case Report

City of Raleigh
Department of City Planning
One Exchange Plaza
Raleigh, NC 27601
(919) 996-2626
www.raleighnc.gov

Case File: A-47-16

Property Address: 531 and 539 New Bern Avenue

Property Owner: J. Russell Allen and W. Craig Allen, TR, and Allen Ventures, LLC

Project Contact: Isabel Mattox

Nature of Case: A request for relief from the façade articulation requirements of Section 3.4.4.F. for the Detached frontage in order to build a 5-unit townhouse development that does not comply with the 10' front wall offset requirement for every 40' of front wall length on a .3 acre site zoned OX-3-DE and Neighborhood Conservation Overlay District located at 531 and 539 New Bern Avenue.



531 & 539 New Bern Avenue – Location Map

DISTRICTS: Office Mixed Use – 3 Story – Detached Frontage (OX-3-DE) and Neighborhood Conservation Overlay District (New Bern-Edenton)



VARIANCE STANDARDS: In accordance with UDO [§10.2.10 Variance](#), before a variance request is granted, the Board of Adjustment shall show all of the following:

- 1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.**
- 2. The hardship results from conditions that are peculiar to the property, such as location, size or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions**

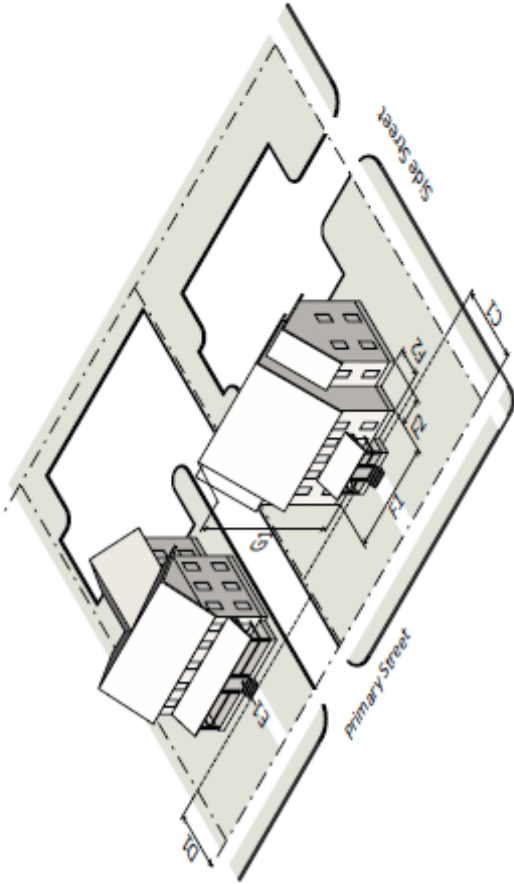
that are common to the neighborhood or the general public, may not be the basis for granting a variance.

3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
4. The requested variance is consistent with the spirit, purpose and intent of the ordinance, such that public safety is secured and substantial justice is achieved.

Neighborhood Conservation Overlay District (New Bern - Edenton):

- a. Minimum lot size: 4,000 square feet.
- b. Minimum lot frontage: 30 feet.
- c. Front yard setback: Minimum of 10 feet, maximum of 25 feet.
- d. Side yard setback: Minimum of 0 feet when minimum building separation is met.
- e. Building separation: Minimum of 10 feet.
- f. Maximum building height: 35 feet.

Sec. 3.4.4. Detached (-DE)



A. Description	
Intended for areas adjacent to roadways transitioning from residential to commercial. Accommodates neighborhood-scaled, low intensity commercial uses while maintaining the residential character of the street right-of-way.	
B. Building Types Allowed	
Detached house (see Sec. 3.2.1.)	Apartment (see Sec. 3.2.4.)
Attached house (see Sec. 3.2.2.)	Civic building (see Sec. 3.2.7.)
Townhouse (see Sec. 3.2.3.)	Open lot (see Sec. 3.2.8.)
C. Additional Buildings Setbacks	
C1	Average front setback applies (see Sec. 2.2.7.C.)
D. Additional Parking Limitations	
D1	No on-site parking or vehicular surface area permitted between the building and the street

E. Pedestrian Access	
E1	Primary street-facing entrance required (min of 1 per building)
E2	Direct pedestrian access is required from the public sidewalk to the primary street-facing entrance of the building
F. Facade Articulation	
F1	Front wall length without offset (max)
F2	Front wall offset length and depth (min)
G. Height Limitations	
G1	Height limit for frontage (max)
H. Streetscape Requirement	
Residential	
see Sec. 8.5.2.D.	



Planning & Development

Development Services
Customer Service Center
One Exchange Plaza
1 Exchange Plaza Suite 400
Raleigh, North Carolina 27601
Phone 919-996-2495
Fax 919-516-2685

Variance Application

	OFFICE USE ONLY
Nature of variance request (Submit addendum on separate sheet, if more space is needed.) Applicant requests a variance from the frontage provisions set forth in Section 3.4.4.f. of the UDO CONTINUED ON ATTACHED ADDENDUM	Transaction Number
Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions or Pre-Submittal Conferences. If this property was the subject of a previous variance request, provide the case number.	

GENERAL INFORMATION		
Property Address 531 and 539 New Bern Ave.		Date
Property PIN (1) 1703995156 and (2) 1703996106	Current Zoning OX-3-DE	
Nearest Intersection New Bern Avenue and N. East St.	Property size (in acres) (1) 0.15; (2) 0.15	
Property Owner Allen Ventures LLC	Phone	Fax
	Email	
Project Contact Person Isabel Worthy Mattox	Phone 919-828-7171	Fax 919-831-1205
	Email Isabel@mattoxfirm.com	
Property Owner Signature Allen Ventures LLC <i>J. Russell Allen</i>	Email jrussell1932@gmail.com	
Notary Sworn and subscribed before me this <i>10th</i> day of <i>MAY</i> 20 <i>16</i>	Notary Signature and Seal <i>Cynda L. Liebers</i>	

CYNDA L. LIEBERS

Notary Public

Wake Co., North Carolina

My Commission Expires April 29, 2020

It is improper to contact any member of the Board of Adjustment prior to the disposition of a case to discuss the request. A variance application will not be considered complete until all required submittal components listed on the Variance Checklist have been received and approved.

ADDENDUM
Variance Application
531 and 539 New Bern Avenue
Allen Ventures, LLC

Applicant seeks a variance of UDO Section 3.4.4.F for a site proposed to be a recombination of 5 lots including 0 East Edenton Street, and, 531 and 539 New Bern Avenue as shown on attached Exhibit A.

A variance is requested from the requirement that a building in a district with a DE Frontage include offsets of at least 10 feet in length and depth at least every 40 feet.

Because of the small lot size and proposed use (a 5-unit townhouse, condominium or apartment), a hardship exists for the property owners in complying with the DE Frontage requirements. The Applicant has a practical difficulty in creating aesthetically pleasing buildings with ample functionality if required to comply with the 10' offsets. According to the UDO, the purpose of the DE Frontage is to preserve the residential character of the area and create a neighborhood-scale transition between residential and commercial. The applicant believes it can better achieve the objective of the frontage with multiple offsets which occur more regularly than every 40 feet, but which are not 10 feet in length and width. This project proposes a 5 unit residential cluster in which the frontage-required direct pedestrian access from the public sidewalk is preserved in smaller scale offsets. These smaller offsets provide residential character and visual interest while being more suited to the small lot and cluster of units. The project as a whole is residential in nature and will be designed to complement the surrounding New Bern/Edenton NCOD. All other aspects of the DE Frontage will be adhered to, including height limits and rear lot surface parking.



REFERENCES:

1. DB 2003, PG 913
2. DB 12840, PG 1540
3. DB 3382, PG 125
4. DB 15818, PG 2024

DATE: MAY 28, 2013
SCALE: 1" = 20'
DRAWN BY: SC
CHECKED BY: SC
FILE NAME: New Bern Ave LA.dwg



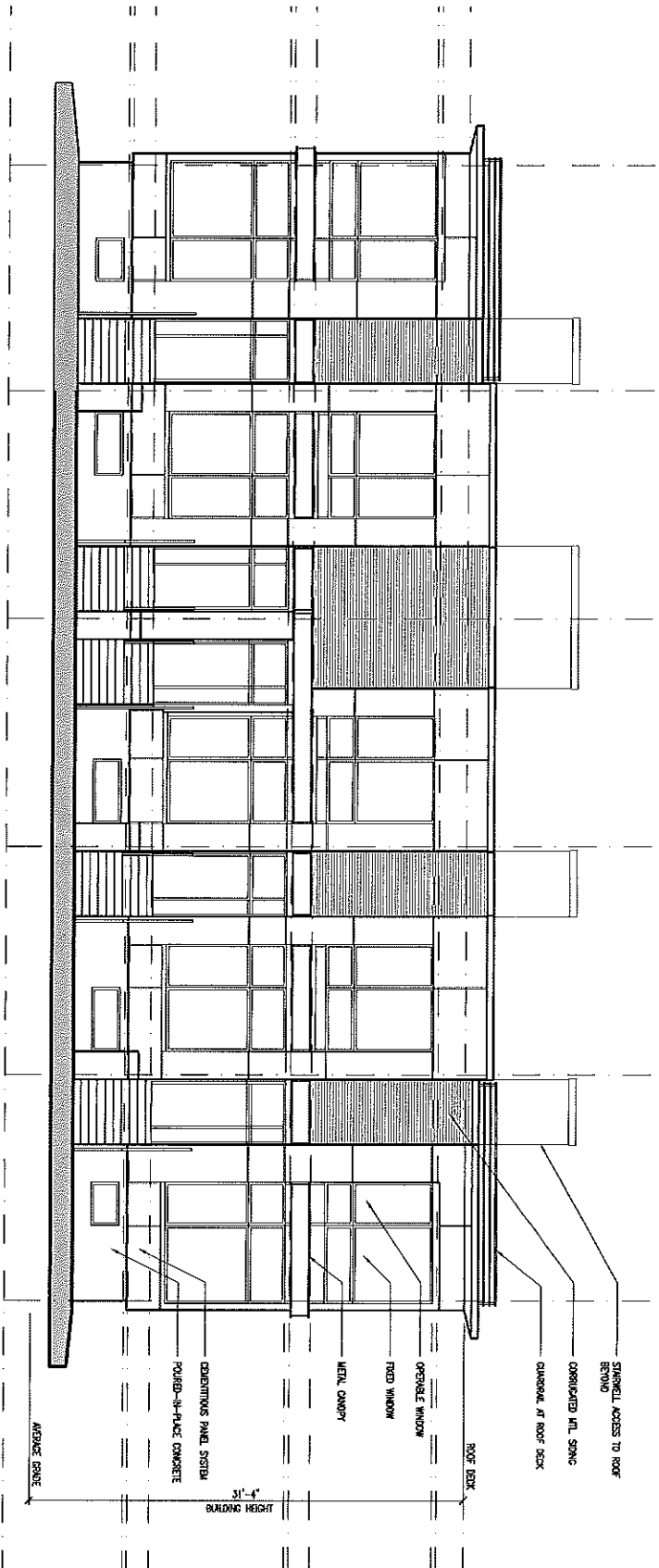
**TOTAL PROJECT AREA: 0.58 AC.
5 EXISTING LOTS**

NOTES:
1. BOUNDARY SURVEY AND ALL EXISTING ON-SITE AND OFF-SITE FEATURES PROVIDED BY CHANCE SUEVY COMPANY, P.A. DATED 3/18/15.



DATE	REVISIONS	

Proposed Elevation



New Bern Avenue Elevation

JDAVIS>

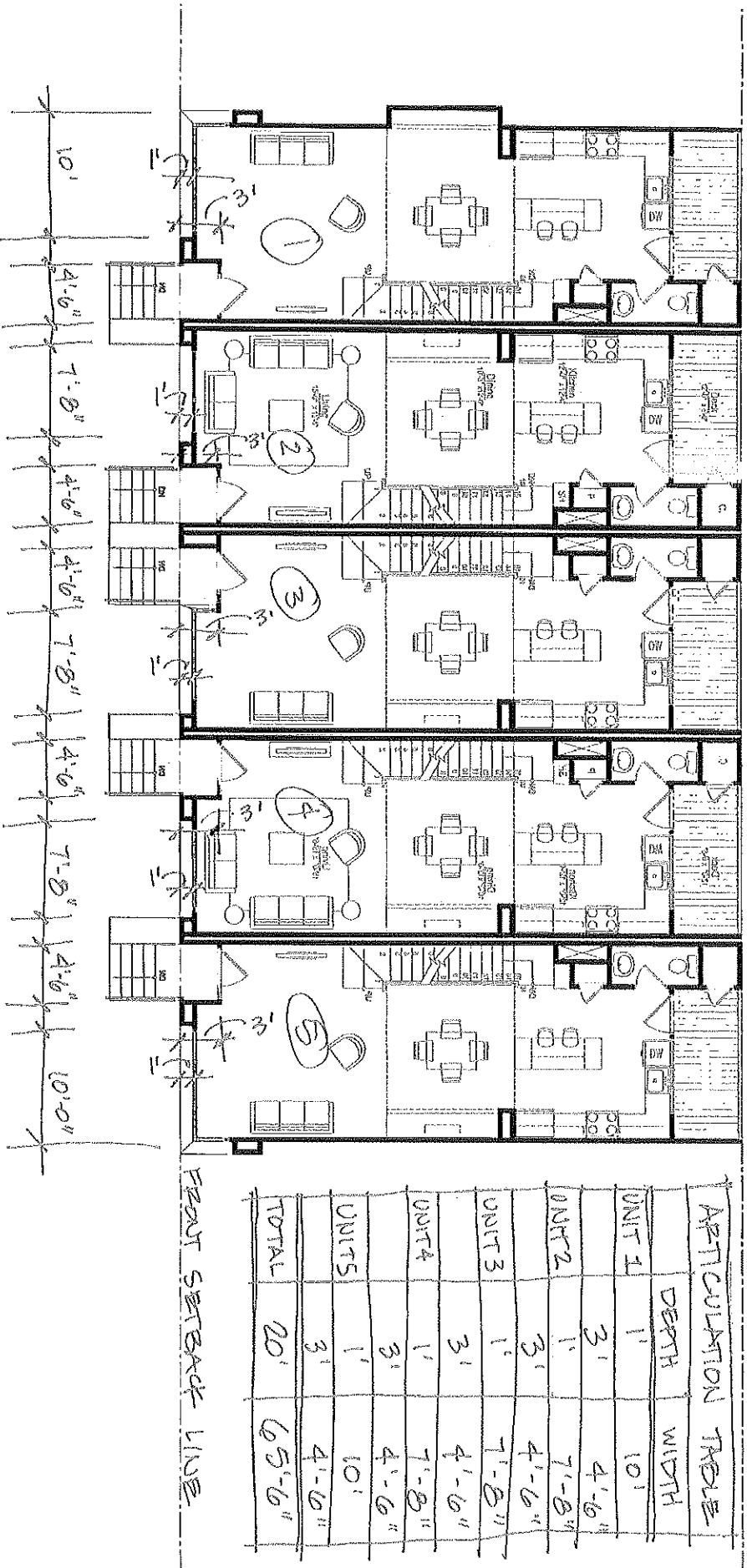
210 South Wilmington St., Raleigh, NC 27601 | 919.876.6434
1070 Walnut St., Suite 1001 | Philadelphia, PA 19102 | 215.734.6571

New Bern Avenue Rowhouses

Russell Allen & Stuart Cullinan
Raleigh, NC

Date: February 29, 2016
Scale: 1/8" = 1'-0"

Proposed Articulation



NEW BERN AVENUE TOWNHOUSES
FACADE STUDY

1/8" = 1'-0"

2.10.16

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Wake County Real Estate Data Account Summary

[iMaps](#)[Tax Bills](#)

Real Estate ID 0006380 PIN # 1703995156

Location Address Property Description
531 NEW BERN AVE 531 NEWBERN AVE

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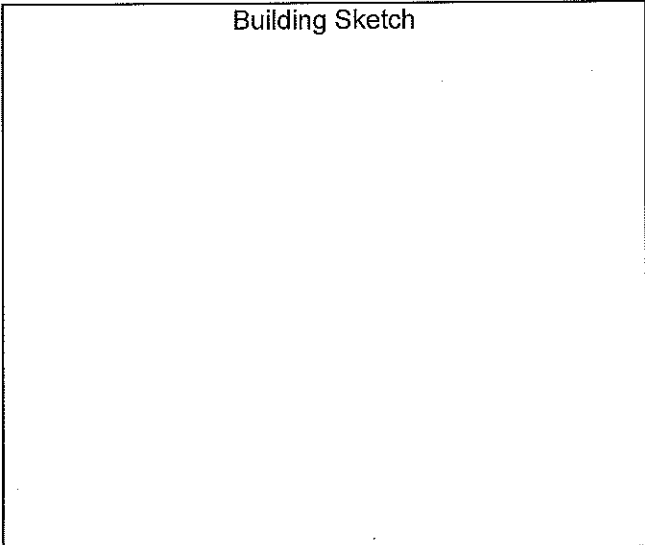

Property Owner ALLEN VENTURES LLC (Use the Deeds link to view any additional owners)		Owner's Mailing Address 310 HECK ST RALEIGH NC 27601-1214	Property Location Address 531 NEW BERN AVE RALEIGH NC 27601-1511
Administrative Data Old Map # G001-G0001-0020 Map/Scale 1703 28 VCS ECRA001 City RALEIGH Fire District Township RALEIGH Land Class VACANT ETJ RA Spec Dist(s) Zoning O&I-2 History ID 1 History ID 2 Acreage .15 Permit Date 2/13/2003 Permit # 0000025565		Transfer Information Deed Date 5/12/2015 Book & Page 16011 2619 Revenue Stamps 182.00 Pkg Sale Date 11/13/1984 Pkg Sale Price \$51,000 Land Sale Date 5/12/2015 Land Sale Price \$91,000 Improvement Summary Total Units 0 Recycle Units 0 Apt/SC Sqft Heated Area	Assessed Value Land Value \$85,073 Assessed Bldg. Value Assessed Tax Relief Land Use Value Use Value Deferment Historic Deferment Total Deferred Value Use/Hist/Tax Relief Assessed Total Value \$85,073 Assessed*

*Wake County assessed building and land values reflect the market value as of January 1, 2016, which is the date of the last county-wide revaluation. Any inflation, deflation or other economic changes occurring after this date does not affect the assessed value of the property and cannot be lawfully considered when reviewing the value for adjustment.

The January 1, 2016 values will remain in effect until the next county-wide revaluation. Until that time, any real estate accounts created or new construction built is assessed according to the 2016 Schedule of Values.

For questions regarding the information displayed on this site, please contact the Revenue Department at RevHelp@wakegov.com or call 919-856-5400.

Real Estate ID **0006380**PIN # **1703995156**Location Address
531 NEW BERN AVEProperty Description
531 NEWBERN AVEAccount
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Building Location Address 531 NEW BERN AVE		Building Description ECRA001		Card 01 Of 01																																																																	
Bldg Type Units Heated Area Story Height Style Basement Exterior Const Type Heating Air Cond Plumbing		Year Blt Addns Int. Adjust. Other Features		Base Bldg Value Grade Cond % Market Adj. Market Adj. Accrued % Incomplete Code Card 01 Value All Other Cards Land Value Assessed \$85,073 Total Value Assessed \$85,073																																																																	
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Wake County Real Estate Data Account Summary

[iMaps](#)[Tax Bills](#)Real Estate ID **0039484** PIN # **1703996106**
 Location Address
539 NEW BERN AVE NEW BERN AV

 Account
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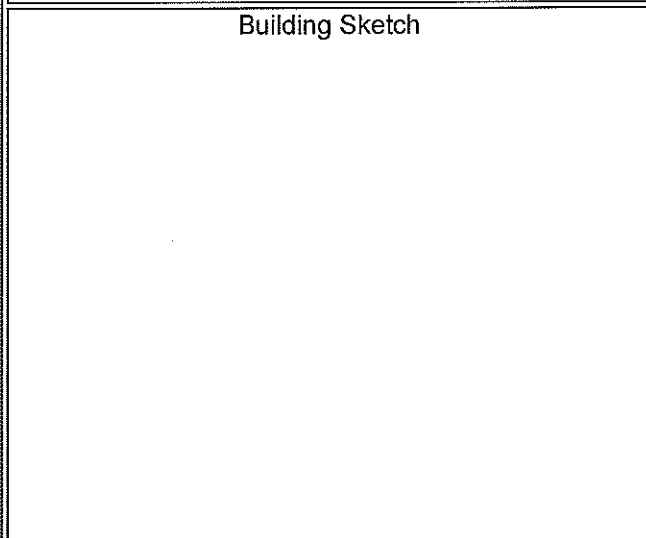


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